

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): GILREATH, Mark EXAMINER: Not Yet Assigned
G. et al.

SERIAL NO.: Not Yet Assigned GROUP ART UNIT: Not Yet Assigned

FILED: Herewith Attorney Docket No.: P-4438-US

FOR.: DEVICE AND SYSTEM FOR IN-VIVO PROCEDURES

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, this Information Disclosure Statement includes:

1. Documents including patents, publications, and other information listed on the attached Form PTO-1449 for consideration by the Examiner;
2. Form PTO-1449 which lists documents including patents, publications and other information for consideration by the Examiner but in accordance with 37 C.F.R. 1.98(d) does not include those documents which have been previously cited or submitted to the Patent Office in the following prior application U.S. Serial No. _____, filed _____ which is properly identified and relied on.
3. Other information for the Examiner's consideration which was cited in a communication from a foreign patent office in a counterpart foreign application.

The information herein cited is only in fulfillment of Applicant(s) duty of candor in disclosing all information brought to Applicant(s) attention. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If it should be determined that any of the

listed documents do not constitute "prior art" under United States law, Applicant(s) reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant(s) further reserve(s) the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each and every document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application and is evidence that the Examiner has considered the document.

This Information Disclosure Statement is being filed:

I) Within three (3) months of filing the subject Application or entry of the subject Application into the national stage or before mailing of the first Office Action on the merits whichever event occurs last pursuant to of 37 C.F.R §1.97 (b); or

II) After the period specified in (I) but before the mailing date of either a final Official Action under 37 C.F.R §1.113 or a notice of allowance under 37 C.F.R §1.311 whichever occurs first;

1. The undersigned hereby states that each item of information listed on the Form PTO-1449 was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement; or

2. the undersigned hereby authorizes the Patent Office to charge the fee in the amount of \$180.00 under 37 C.F.R §1.17 (p) to Deposit Account 05-0649.

III) After the period in (I) and (II) but before the payment of the issue fee,

1. The Undersigned hereby states:

a) that each item of information cited on the form PTO-1449 was cited in a communication from a foreign Patent Office in a counterpart

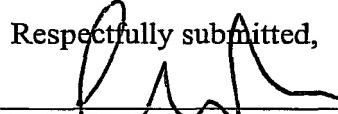
Herewith

foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement; or

b) that no items of information contained in Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; and

2. The Undersigned hereby authorizes the Patent Office to charge the Petition fee in the Amount of \$180.00 under 37 C.F.R. § 1.17 (p) to Deposit Account 05-0649.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 05-0649.

Respectfully submitted,

Caleb Pollack
Attorney for Applicant(s)
Registration No. 37,912

Dated: July 10, 2003

Eitan, Pearl, Latzer & Cohen Zedek, LLP.

10 Rockefeller Plaza, Suite 1001
New York, New York 10020
Tel: (212) 632-3480
Fax: (212) 632-3490

INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(Use several sheets if necessary)

P-4438-US Not Yet Assigned

Applicant

GILREATH, Mark G.

Filing Date Group

Herewith Not Yet Assigned

U.S. Patent Documents

| Examiner Initial | | Document Number | Date | Name | Class | Subclass | Filing Date If Appropriate |
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Foreign Patent Documents

Translation

| Examiner Initial | | Document Number | Date | Country | Class | Subclass | Yes | No |
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| | AL | WO 01/65995 | Sept. 13, 2001 | | | | | |
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OTHER ART

(Including Author, Title, Date, Pertinent Pages, Etc.)

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| Examiner Initial | | |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.

INFORMATION DISCLOSURE STATEMENT

BY APPLICANT

(Use several sheets if necessary)

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Applicant

Filing Date Group

Herewith Not Yet Assigned

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(Including Author, Title, Date, Pertinent Pages, Etc.)

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